

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

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पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय अधिसूचना

नई दिल्ली, 18 जनवरी, 2016

का.आ. 253(अ).— निम्नलिखित प्रारूप अधिसूचना, जिसे केन्द्रीय सरकार, पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (2) के खंड (v) और खंड (xiv) और उपधारा (3) के साथ पठित उपधारा (1) द्वारा प्रदत्त शित्तयों का प्रयोग करते हुए, जारी करने का प्रस्ताव करती है, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) की अपेक्षानुसार, जनसाधारण की जानकारी के लिए प्रकाशित की जाती है; जिनके उससे प्रभावित होने की संभावना है, ; और यह सूचना दी जाती है कि उक्त प्रारूप अधिसूचना पर, उस तारीख से, जिसको इस अधिसूचना वाले भारत के राजपत्र की प्रतियां जनसाधारण को उपलब्ध करा दी जाती हैं, साठ दिन की अवधि की समाप्ति पर या उसके पश्चात् विचार किया जाएगा ;

ऐसा कोई व्यक्ति, जो प्रारूप अधिसूचना में अंतर्विष्ट प्रस्तावों के संबंध में कोई आक्षेप या सुझाव देने में हितबद्ध है, इस प्रकार विनिर्दिष्ट अविध के भीतर, केन्द्रीय सरकार द्वारा विचार किए जाने के लिए, आक्षेप या सुझाव सचिव, पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय, इंदिरा पर्यावरण भवन, जोर बाग रोड, अलीगंज, नई दिल्ली-110003 या ई-मेल पते: esz-mef@nic.in पर लिखित रूप में भेज सकेगा।

प्रारूप अधिसूचना

समसपुर पक्षी अभयारण्य, उत्तर प्रदेश के रायबरेली जिले में स्थित है जिसका आच्छादित क्षेत्र 308.54 हेक्टेयर है और यह असंख्य और भिन्न - भिन्न किस्म के प्रवासी और आवासी पक्षियों के अपने खुले प्राकृतिक आवास के लिए प्रसिद्ध है।

और, पक्षियों के अतिरिक्त, अभयारण्य भिन्न - भिन्न किस्म के वृक्षों, झाडियों तथा हाइड्रोफाईटो जीव जंतुओ की प्रजातियों का वास है जिसमे मोलुकस, सन्धिपाद, अभयचर एन्नेलिडस, उभयचर, सरीसृप तथा स्तनधारियों की अनेक प्रजातियां है;

और, समसपुर पक्षी अभयारण्य के चारों ओर के क्षेत्र को, जिसका विस्तार और सीमाएं इस अधिसूचना के पैरा 1 में 418 GI/2016 (1)

विनिर्दिष्ट हैं, पर्यावरण की दृष्टि से पारिस्थितिक संवेदी जोन के रूप में सुरक्षित और संरक्षित करना तथा उक्त पारिस्थितिक संवेदी जोन में उद्योगों या उद्योगों के वर्गों के प्रचालन तथा प्रसंस्करण करने को प्रतिषिद्ध करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पर्यावरण (संरक्षण) नियम, 1986 के नियम 5 के उपनियम (3) के साथ पठित पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 3 की उपधारा (1) और उपधारा (2) के खंड (v) और खंड (xiv) तथा उपधारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उत्तर प्रदेश राज्य में समसपुर पक्षी अभयारण्य की सीमा से 1 किलोमीटर से 2 किलोमीटर की सीमा तक के क्षेत्र को समसपुर पक्षी अभयारण्य पारिस्थितिक संवेदी जोन (जिसे इसमें इसके पश्चात् पारिस्थितिक संवेदी जोन कहा गया है) के रूप में अधिसूचित करती है, जिसके ब्यौरे निम्नानुसार हैं, अर्थात्:-

- 1. **पारिस्थितिक संवेदी जोन का विस्तार और उसकी सीमाएं**--(1) पारिस्थितिक संवेदी जोन 3.085 वर्ग किलोमीटर के क्षेत्र में फैला हुआ है और जिसका विस्तार उत्तर प्रदेश के रायबरेली जिले (26° 0' 1. 37" उत्तरी अक्षांश 81° 39' 15. 50" देशांतर) में स्थिति समसपुर पक्षी अभयारण्य की सीमा के इर्द गिर्द 1 कि.मी से 2 कि.मी के बीच है।
- (2) पारिस्थितिक संवेदी जोन के अंतर्गत आने वाले अक्षांशों और देशांतरों के साथ 6 ग्रामों की सूची **उपाबंध ।** के रूप में उपाबध्द है।
- (3) पारिस्थितिक संवेदी जोन का मानचित्र सीमा के ब्यौरे अक्षांश एवं देशांतरो के साथ साथ **उपाबंध ।।** के रूप में उपाबध्द है ।
- 2. पारिस्थितिक संवेदी जोन के लिए आंचलिक महायोजना (1) राज्य सरकार, पारिस्थितिक संवेदी जोन के प्रयोजन के लिए राजपत्र में इस अधिसूचना के अंतिम प्रकाशन की तारीख से दो वर्ष की अवधि के भीतर, स्थानीय व्यक्तियों के परामर्श से और इस अधिसूचना में संलग्न अनुबंधों के सामंजस्य से आंचलिक महायोजना तैयार करेगी।
- (2) उक्त योजना का राज्य सरकार में सक्षम प्राधिकारी द्वारा अनुमोदन किया जाएगा।
- (3) पारिस्थितिक संवेदी जोन का आंचलिक महायोजना राज्य सरकार द्वारा इस से अधिसूचना में विनिर्दिष्ट रूप में ऐसी रीति में तथा सुसंगत केंद्रीय और राज्य विधियों के और केन्द्रीय सरकार द्वारा जारी मार्गदर्शी सिद्धांतों के अनुरुप तैयार किया जाएगा।
- (4) आंचलिक महायोजना, इसमें पर्यावरण और पारिस्थितिक की विचारों को समाकलित करने के लिए राज्य विभागों के परामर्श से तैयार होगी, अर्थात:--
 - (i) पर्यावरण;
 - (ii) वन;
 - (iii) शहरी विकास;
 - (iv) पर्यटन;
 - (v) नगरपालिका;
 - (vi) राजस्व;
 - (vii) कृषि;
 - (viii) उत्तर प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड;
 - (ix) सिंचाई;
 - (x) लोक निर्माण विभाग।
- (5) आंचलिक महायोजना अनुमोदित विद्यमान भू-उपयोग, अवसंरचनात्मक और क्रियाकलापों पर कोई निर्बंधन अधिरोपित नहीं करेगी जब तक इस अधिसूचना में विनिर्दिष्ट न हो और आंचलिक महायोजना सभी अवसंरचना और क्रियाकलापों के सुधार के कारक तथा पारिस्थितिक अनुकुलता का संवर्धन करती है।
- (6) आंचलिक महायोजना में अनाच्छादित क्षेत्रों के जीर्णोद्धार, विद्यमान जल निकायों के संरक्षण, आवाह क्षेत्रों के प्रबंधन, जल-संभरों के प्रबंधन, भू-जल के प्रबंधन, मृदा और नमी संरक्षण, स्थानीय समुदायों की आवश्यकताओं तथा पारिस्थितिक और

पर्यावरण से संबंधित ऐसे अन्य पहलूओं, जिन पर ध्यान देना आवश्यक है, के लिए उपबंध होंगे।

- (7) आंचलिक महायोजना सभी विद्यमान पूजा स्थलों, ग्रामों और नगरीय बंदोबस्तों, वनों के प्रकार और किस्मों, जनजातीय क्षेत्रों, कृषि क्षेत्रों, ऊपजाऊ भूमि, हरित क्षेत्र जैसे उद्यान और उसी प्रकार के स्थान, उद्यान कृषि क्षेत्र, आर्किडों, झीलों और अन्य जल निकायों का अभ्यकंन करेगी।
- (8) आंचलिक महायोजना पारिस्थितिक संवेदी जोन में विकास को विनियमित करेगी जिससे पारिस्थितिक अनुकूल विकास स्थानीय समुदायों की जीवकोपार्जन सुरक्षा के लिए सुनिश्चित किया जा सके।
- 3. **राज्य सरकार द्वारा किए जाने वाले उपाय--** राज्य सरकार इस अधिसूचना के उपबंधों को प्रभावी करने के लिए निम्नलिखित उपाय करेगी, अर्थात् :--
- (1) **भू-उपयोग -** पारिस्थितिक संवेदी जोन में वनों, उद्यान-कृषि क्षेत्रों, कृषि क्षेत्रों, आमोद-प्रमोद के प्रयोजन के लिए चिन्हित किए गए पार्कों और खुले स्थानों का वाणिज्यिक और औद्योगिक संबद्ध विकास क्रियाकलापों के लिए उपयोग या संपरिवर्तन नहीं होगा:

परंतु पारिस्थितिक संवेदी जोन के भीतर कृषि भूमि का संपरिवर्तन मानीटरी समिति की सिफारिश पर और राज्य सरकार के पूर्व अनुमोदन से, स्थानीय निवासियों की आवासीय जरूरतों को पूरा करने के लिए और पैरा 4 की सारणी के स्तंभ (2) के अधीन क्रम सं0 12, 20, 29, 30, और 31 के सामने सूचीबद्ध क्रियाकलापों को पूरा करने के लिए अनुज्ञात होंगे, अर्थात :-

- (i) पारिस्थितिक अनुकूल पर्यटन क्रियाकलापों से संबंधित पर्यटकों के अस्थायी अधिभोग के लिए पारिस्थितिक अनुकूल कुटीर जैसे टैंट, काष्ट गृह;
- (ii) विद्यमान सड़कों को चौड़ा करना और सुदृढ़ करना;
- (iii) प्रदूषण उत्पन्न न करने वाले लघु उद्योग;
- (iv) वर्षा जल संचय; और
- (v) कुटीर उद्योगों जिसके अंतर्गत ग्रामीण उद्योग, सुविधाजनक स्टोर और स्थानीय सुख-सुविधाएं सम्मिलित हैं :

परंतु यह और भी कि राज्य सरकार के पूर्व अनुमोदन तथा संविधान के अनुच्छेद 244 और तत्समय प्रवृत्त विधि के उपबंधों के अनुपालन के बिना, जिसके अंतर्गत अनुसूचित जनजाति और अन्य परंपरागत वन निवासी (वन अधिकारों की मान्यता) अधिनियम, 2006 (2007 का 2) भी है, वाणिज्यिक या उद्योग विकास क्रियाकलापों के लिए जनजातीय भूमि का उपयोग अनुज्ञात नहीं होगा:

परंतु यह और भी कि पारिस्थितिक संवेदी जोन के भीतर भू-अभिलेखों में पाई जाने वाली कोई त्रुटि मानीटरी समिति के विचार प्राप्त करने के पश्चात् राज्य सरकार द्वारा प्रत्येक मामले में संशोधित होगी और उक्त त्रुटि के संशोधन की केन्द्रीय सरकार के पर्यावरण, वन और जलवाय परिवर्तन मंत्रालय को सुचना देनी होगी;

परंतु यह और भी कि उपर्युक्त त्रुटि का संशोधन में इस उप पैरा के अधीन यथा उपबंधित के सिवाय किसी भी दशा में भू-उपयोग का परिवर्तन सम्मिलित नहीं होगा :

परंतु यह और भी कि हरित क्षेत्र में जैसे वन क्षेत्र, कृषि क्षेत्र में कोई पारिणामिक कटौती नहीं होगी और अनप्रयुक्त या अनुत्पादक कृषि क्षेत्रों में पुन: वनीकरण करने के प्रयास किए जाएंगे ।

(2) **प्राकृतिक जल स्रोत** -- आचंलिक महायोजना में सभी प्राकृतिक जल स्रोतों की पहचान की जाएगी और उनके संरक्षण और नवीकरण के लिए योजना सम्मिलित होगी और राज्य सरकार द्वारा ऐसे क्षेत्रों पर या उनके निकट विकास क्रियाकलाप प्रतिषिद्ध करने के लिए ऐसी रीति से मार्गनिर्देश तैयार किए जाएंगे।

- (3) **पर्यटन** (क) पारिस्थितिक संवेदी जोन के भीतर पर्यटन संबंधी क्रियाकलाप, जो पर्यटन महायोजना के अनुसार होंगे, आंचलिक महायोजना का भाग रूप में होंगे।
- (ख) पर्यटन महायोजना पर्यटन विभाग द्वारा राज्य के वन और पर्यावरण विभाग के परामर्श से तैयार होगी ।
- (ग) पर्यटन संबंधी क्रियाकलाप निम्नलिखित के अधीन विनियमित होंगे, अर्थात् :-
- (i) पारिस्थितिक संवेदी जोन के भीतर सभी नए पर्यटन क्रियाकलापों या विद्यमान पर्यटन क्रियाकलापों का विस्तार केंद्र सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय के मार्गदर्शक सिद्धांतों के द्वारा तथा पारिस्थितिक पर्यटन राष्ट्रीय व्याघ्र संरक्षण प्राधिकरण, द्वारा जारी (समय-समय पर यथा संशोधित) मार्गदर्शक सिद्धांतों के अनुसार, पारिस्थितिक पर्यटन, पारिस्थितिक शिक्षा और पारिस्थितिक विकास को महत्व देते हुए पारिस्थितिक संवेदी जोन की वहन क्षमता के अध्ययन पर आधारित होगा;
- (ii) पारिस्थितिक अनुकूल पर्यटक क्रियाकलापों के संबंध में अस्थायी अधिभोग के लिए वास सुविधा के सिवाय समसपुर पक्षी अभयारण्य की सीमा से एक किलोमीटर भीतर होटल और रिसोर्टों का नया संनिर्माण अनुज्ञात नहीं होगा;

परंतु संरक्षित क्षेत्र की सीमा से एक किलोमीटर की दूरी से परे पारिस्थितिक संवेदी जोन की सीमा तक नए होटल और रिसोर्ट की स्थापना पर्यटन महायोजना के अनुसार पारिस्थितिक पर्यटन सुविधा के लिए पूर्व परिभाषित और विनिर्दिष्ट स्थान में ही अनुज्ञात किया जाएगा।

- (iii) आंचिलक महायोजना का अनुमोदन किए जाने तक, पर्यटन के लिए विकास और विद्यमान पर्यटन क्रियाकलापों के विस्तार को वास्तविक स्थल विनिर्दिष्ट संवीक्षा तथा मानीटरी समिति की सिफारिश पर आधारित संबंधित विनियामक प्राधिकारियों द्वारा अनुज्ञात किया होगा।
- (4) **नैसर्गिक विरासत** पारिस्थितिक संवेदी जोन में महत्वपूर्ण नैसर्गिक विरासत के सभी स्थलों जैसे जीन कोश आरक्षित क्षेत्र, शैल विरचनाएं, जल प्रपातों, झरनों, घाटी मार्गों, उपवनों, गुफाएं, स्थलों, भ्रमण, अश्वरोहण, प्रपातो आदि की पहचान की जाएगी और उन्हें संरक्षित किया जाएगा तथा उनकी सुरक्षा और संरक्षा के लिए अंतिम अधिसूचना के प्रकाशन की तारीख से छह मास के भीतर, उपयुक्त योजना बनाएगी और ऐसी योजना आंचलिक महायोजना का भाग होगा।
- (5) **मानव निर्मित विरासत स्थलों** पारिस्थितिक संवेदी जोन में भवनों, संरचनाओं, शिल्प-तथ्य, ऐतिहासिक, कलात्मक और सांस्कृतिक महत्व के क्षेत्रों की पहचान की जाएगी और अंतिम अधिसूचना के प्रकाशन की तारीख से छह माह के भीतर उनके संरक्षण की योजनाएं तैयार करनी होंगी तथा आंचलिक महायोजना में सम्मिलित की जाएगी।
- (6) **ध्विन प्रदूषण** -- पारिस्थितिक संवेदी जोन में ध्विन प्रदूषण के नियंत्रण के लिए राज्य सरकार का पर्यावरण विभाग या उत्तर प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड, वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसरण में मार्गदर्शक सिद्धांत और विनियम तैयार करेगा।
- (7) **वायु प्रदूषण** -- पारिस्थितिक संवेदी जोन में वायु प्रदूषण के नियंत्रण के लिए राज्य सरकार का पर्यावरण विभाग या उत्तर प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड, वायु (प्रदूषण निवारण और नियंत्रण) अधिनियम, 1981 (1981 का 14) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसरण में मार्गदर्शक सिद्धांत और विनियम तैयार करेगा।
- (8) **बहिस्राव का निस्सारण** -- पारिस्थितिक संवेदी जोन में उपचारित बहिस्राव का निस्सारण जल (प्रदूषण निवारण तथा नियंत्रण) अधिनियम, 1974 (1974 का 6) और उसके अधीन बनाए गए नियमों के उपबंधों के अनुसार होगा।
- (9) **ठोस अपशिष्ट –** ठोस अपशिष्टों का निपटान निम्नलिखित रूप में होगा, अर्थात् :-

- (i) पारिस्थितिक संवेदी जोन में ठोस अपशिष्टों का निपटान भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की समय-समय पर यथा संशोधित अधिसूचना सं. का.आ. 908(अ), तारीख 25 सितंबर, 2000 नगरपालिक ठोस अपशिष्ट (प्रबंध और हथालन) नियम, 2000 के उपबंधों के अनुसार किया जाएगा;
- (ii) स्थानीय प्राधिकरण जैव निम्नीकरणीय और अजैव निम्नीकरणीय संघटकों में ठोस अपशिष्टों के संपृथक्कन के लिए योजनाएं तैयार करेंगे ;
 - (iii) जैव निम्नीकरणीय सामग्री को अधिमानतः खाद बनाकर या कृमि खेती के माध्यम से पुनःचक्रित किया जाएगा ;
- (iv) अकार्बनिक सामग्री का निपटान पारिस्थितिक संवेदी जोन के बाहर पहचान किए गए स्थल पर किसी पर्यावरणीय स्वीकृत रीति में होगा और पारिस्थितिक संवेदी जोन में ठोस अपशिष्टों को जलाना या भष्मीकरण अनुज्ञात नहीं होगा ।
- (10) **जैव चिकित्सीय अपशिष्ट** पारिस्थितिक संवेदी जोन में जैव चिकित्सीय अपिशशें का निपटान भारत सरकार के तत्कालीन द्वारा पर्यावरण और वन मंत्रालय की समय-समय पर यथासंशोधित अधिसूचना सं. का.आ. 630 (अ) तारीख 20 जुलाई, 1998 द्वारा प्रकाशित जैव चिकित्सीय अपिशष्ट (प्रबंध और हथालन) नियम, 1998 के उपबंधों के अनुसार किया जाएगा।
- (11) **यानीय परिवहन** परिवहन की यानीय गतिविधियां आवास के अनुकूल विनियमित होंगी और इस संबंध में आंचलिक महायोजना में विशेष उपबंध अधिकथित किए जाएंगे और आंचलिक महायोजना के तैयार होने और राज्य सरकार के सक्षम प्राधिकारी के द्वारा अनुमोदित होने तक, मानीटरी समिति प्रवृत्त नियमों और विनियमों के अनुसार यानीय गतिविधियों के अनुपालन को मानीटर करेगी।

(12) औद्योगिक इकाइयां -

- (क) प्रस्तावित पारिस्थितिक संवेदी जोन के भीतर नए काष्ट आधारित उद्योगों की स्थापना विधि के अनुसार स्थापित विद्यमान काष्ट आधारित उद्योग के सिवाय अनुज्ञात नहीं किए जाएंगे ।
- (ख) प्रस्तावित पारिस्थितिक संवेदी जोन के भीतर जल, वायु, मृदा, ध्विन प्रदूषण के नए उद्योगों की स्थापना अनुज्ञात नहीं किया जाएगा ।
- 4. पारिस्थितिक संवेदी जोन में प्रतिषिद्ध और विनियमित क्रियाकलापों की सूची पारिस्थितिक संवेदी जोन में सभी क्रियाकलाप पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) के उपबंधों शासित होंगे और नीचे दी गई तालिका में विनिर्दिष्ट रीति में विनियमित होंगे, अर्थात् :--

सारणी

क्रम सं.	क्रियाकलाप	टीका-टिप्पणी
1	2	3
	प्रतिषि	द्धि क्रियाकलाप
1.	वाणिज्यिक खनन, पत्थर उत्खन्न, उनको	(क) नए और विद्यमान खनन (लघु और वृहत खनिज), पत्थर की
	तोड़ने की इकाइयां ।	खानें और उनको तोड़ने की इकाइयां वास्तविक स्थानीय
		निवासियों की घरेलू आवश्यकताओं जिसमें निजी उपयोग के
		लिए मकानों के संनिर्माण या मरम्मत के लिए धरती को खोदना
		और मकान बनाने के लिए देशी टाइल्स या ईंटों का निर्माण
		करना भी सम्मिलित है, के सिवाय नहीं होंगी ;
		(ख) खनन संक्रियाएं, माननीय उच्चतम न्यायालय की रिट
		याचिका (सिविल) सं. 1995 का 202 टी.एन. गौडाबर्मन
		थिरुमूलपाद बनाम भारत सरकार के मामले में आदेश तारीख 4

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		अगस्त, 2006 और रिट याचिका (सी) सं. 2012 का 435 गोवा
		फाउंडेशन बनाम भारत सरकार के मामले में तारीख 21 अप्रैल,
		2014 के अंतरिम आदेश के अनुसरण में सर्वदा प्रचालन होगा ।
2.	आरा मीलों की स्थापना ।	पारिस्थितिक संवेदी जोन के भीतर नई और विद्यमान आरा
		मीलों का विस्तार अनुज्ञात नहीं होगा ।
3.	किसी परिसंकटमय पदार्थों का उपयोग या उत्पादन ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय)।
4.	जल या वायु या मृदा या ध्वनि प्रदूषण	पारिस्थितिक संवेदी जोन के भीतर नए और विद्यमान प्रदूषण
7.	कारित करने वाले उद्योगों की स्थापना ।	कारित करने वाले उद्योग का विस्तार अनुज्ञात नहीं होगा ।
5.	नई बृहत विद्युत परियोजना की स्थापना ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय) ।
6.	जलावन लकड़ी का वाणिज्यिक उपयोग ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के सिवाय)।
7.	पर्यटन से संबंधित क्रियाकलाप जैसे	, ,
	वायुयान, गर्म वायु गुब्बारों का राष्ट्रीय	सिवाय) ।
	पार्क क्षेत्र के ऊपर से उड़ना जैसे	
8.	क्रियाकलाप करना। प्राकृतिक जल निकायों या सतही क्षेत्र में	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के
0.	अनुपचारित बहिर्स्नाव और ठोस अपशिष्टों	सिवाय)
	का निस्सारण।	
9.	प्लास्टिक के थैलों का उपयोग ।	लागू विधियों के अनुसार प्रतिषिद्ध (अन्यथा उपबंधित के
		सिवाय)।
		मित क्रियाकलाप
10.	पहाड़ी ढालों और नदी तटों और तटीय क्षेत्र का संरक्षण।	,,
11.	विदेशी प्रजातियों को लाना	लागू विधियों के अधीन विनियमित होंगे।
12.	होटल और रिसोर्ट की वाणिज्यिक स्थापना	
		अस्थायी व्यवसाय के लिए आवास के संबंध में पारिस्थितिक संवेदी जोन के भीतर ही नए वाणिज्यिक होटलों और रिसोर्टों
		को अनुज्ञात किया जाएगा अन्यथा नहीं:
		14 - 13 - 14 - 16 - 16 - 16 - 16 - 16 - 16 - 16
		तथापि एक किलोमीटर से परे और पारिस्थितिक संवेदी जोन
		के विस्तार तक सभी नए पर्यटन क्रियाकलापों या विद्यमान
		क्रियाकलापों का विस्तार पर्यटन महायोजना के अनुरूप होगा
13.	संनिर्माण क्रियाकलाप ।	(क) संरक्षित क्षेत्र की एक किलोमीटर की सीमा के भीतर
		किसी भी प्रकार के नए वाणिज्यिक संनिर्माण को अनुज्ञात नहीं किया जाएगा:
		गहा क्षिया आएगा.
		परंतु स्थानीय लोगों को पैरा 3 के उप पैरा (1) में सूचीबद्ध
		क्रियाकलापों सहित उनके आवासीय उपयोग के लिए उनकी
		भूमि में संनिर्माण करने की अनुमति दी जाएगी ।
		(ख) ऐसे लघु उद्योगों जो प्रदूषण उत्पन्न नहीं करते हैं, से
		संबंधित संनिर्माण क्रियाकलाप विनियमित किए जाएंगे और
		लागू नियमों और विनियमों, यदि कोई हों, के अनुसार सक्षम
		प्राधिकारी की पूर्व अनुमति से ही न्यूनतम पर रखे जाएंगे ।

		(ग) एक किलोमीटर से आगे और पारिस्थितिक संवेदी जोन
		की सीमा तक वास्तविक स्थानीय आवश्यकताओं के लिए
		संनिर्माण की अनुज्ञा दी जाएगी और अन्य वाणिज्यिक
		संनिर्माण क्रियाकलाप आंचलिक महायोजना के अनुरूप होंगे।
		(घ) पारिस्थितिक संवेदी जोन में सन्निर्माण क्रियाकलाप
	2 0	आंचलिक महायोजना की अनुसार होगा।
14.	वायु और यानीय प्रदूषण ।	लागू विधियों के अधीन विनियमित होंगे।
15.	ध्वनि प्रदूषण ।	लागू विधियों के अधीन विनियमित होंगे ।
16.	भू-जल का निष्कर्षण ।	लागू विधियों के अधीन विनियमित होंगे ।
17.	वृक्षों की कटाई।	(क) राज्य सरकार में सक्षम प्राधिकारी की पूर्व अनुमति के
		बिना वन, सरकारी या राजस्व या निजी भूमि पर या वनों में
		किन्ही वृक्षों की कटाई नहीं होगी ।
		(ख) वृक्षों की कटाई संबंधित केन्द्रीय या राज्य अधिनियम या
		उसके अधीन बनाए गए नियमों के उपबंध के अनुसार
		विनियमित होंगे;
		(ग) परियोजना वन और संरक्षित वन की दशा में निर्धारित
		कार्य योजना का अनुपालन किया किया जाएगा ।
18.	प्राकृतिक जल निकायों या सतही क्षेत्र में	लागू विधियों के अधीन विनियमित होंगे।
	उपचारित बहिर्स्नाव का निस्सारण ।	,
19.	विद्युत लाइनों का पृथक्करण ।	भूमिगत केबल बिछाए जाने को प्रोत्साहित करना।
		पारिस्थितिक संवेदी जोन से गुजर कर जाने वाली सभी
		विद्यमान विद्युत लाइनें आंचलिक महायोजना के अधीन
		विहित समय सीमा में पर्याप्त रूप से विद्युतरुद्ध की जाएंगी ।
20.	विद्यमान सड़कों को चौड़ा करना और उन्हें	उचित पर्यावरण समाघात निर्धारण और न्यूनीकरण उपाय
	सुदृढ करना ।	यथा लागू अनुसार होंगे ।
21.	होटलों और लॉज के विद्यमान परिसरों में	लागू विधियों के अधीन विनियमित होंगे ।
	बाड़ लगाना।	
22.	साइनबोर्ड और होर्डिंग ।	लागू विधियों के अधीन विनियमित होंगे ।
23.	रात्रि में यानिक यातायात का संचलन ।	आंचलिक महायोजना और लागू विधियों के अधीन
		वाणिज्यिक वाहनों के लिए विनियमित होंगे।
24.	कृषि प्रणालियों या भूमि उपयोग पैटर्न में	लागू विधियों के अधीन विनियमित होंगे ।
	भारी परिवर्तन।	
25.	वाणिज्यिक जल संसाधन जिसके अंतर्गत भू-	(क) भूमि के अधिभोगी के वास्तविक कृषि और घरेलू खपत के
	जल संचयन भी है ।	लिए जल का निष्कर्षण सतही और भूमिगत जल के लिए
		अनुज्ञात होगा ।
		्ष) औद्योगिक, वाणिज्यिक उपयोग के लिए सतही और
		भूमिगत जल का निष्कर्षण के लिए संबंधित विनियामक
		प्राधिकरण से पूर्व लिखित अनुज्ञा अपेक्षित होगी जिसके
		•••
		अंतर्गत कितने परिणाम में वह निष्कर्षण करेगा, भी है ।
		(ग) सतही या भूजल का विक्रय अनुज्ञात नहीं होगा ।
		(घ) जल के संदूषण या प्रदूषण, जिसके अंतर्गत कृषि भी है, को
		रोकने के लिए सभी उपाय किए जाएंगे।

	संवर्धित क्रियाकलाप		
26.	स्थानीय समुदायों द्वारा चल रही कृषि	सक्रिय रूप से बढ़ावा दिया जाएगा ।	
	और बागवानी प्रथाओं के साथ		
	दुग्धशाला, डेयरी उद्योग, एक्वाकल्चर		
	और मत्स्य पालन ।		
27.	जैविक खेती ।	सक्रिय रूप से बढावा दिया जाए ।	
28.	सभी गतिविधियों के लिए हरित	सक्रिय रूप से बढावा दिया जाए ।	
	प्रौद्योगिकी को ग्रहण करना ।		
29.	प्रदूषण उत्पन्न न करने वाले लघु उद्योगः।	पारिस्थितिक संवेदी जोन से गैर प्रदूषण, गैर परिसंकटमय, लघु	
		और सेवा उद्योग, कृषि उद्यान, कृषि या कृषि आधारित देशीय माल	
		से औद्योगिक उत्पादों का उत्पादन उद्योग और जो पर्यावरण पर	
		कोई विपरीत प्रभाव नहीं डालते हैं, अनुज्ञात किए जाएंगे ।	
30.	वर्षा जल संचयन ।	सक्रिय रूप से बढावा दिया जाए ।	
31.	कुटीर उद्योगों जिसके अंतर्गत ग्रामीण	सक्रिय रूप से बढावा दिया जाए ।	
	कारीगर भी हैं ।		
32.	नवीकरणीय ऊर्जा स्रोत का उपयोग ।	सक्रिय रूप से बढावा दिया जाए ।	

- **5. मानीटरी समिति -** (1) केंद्रीय सरकार, पारिस्थितिक संवेदी जोन के प्रभावी मानीटरी को लिए एक मानीटरी समिति का गठन करेगी जो निम्नलिखित से मिलकर बनेगी, अर्थात् :-
 - (i) जिला मजिस्ट्रेट, रायबरेली अध्यक्ष
 - (ii) पुलिस अधीक्षक/वरिष्ठ पुलिस अधीक्षक,रायबरेली सदस्य ;
 - (iii) लोक निर्माण विभाग का कार्यपालक इंजीनियर,रायबरेली सदस्य ;
 - (iv) सिचाई विभाग का कार्यपालक इंजीनियर,रायबरेली सदस्य ;
- (v) पर्यावरण के क्षेत्र में कार्य करने वाले गैर सरकारी संगठनों (जिसके अंतर्गत विरासत संरक्षण भी है) का प्रत्येक मामले में एक वर्ष की अविध के लिए उत्तर प्रदेश राज्य सरकार द्वारा नामनिर्दिष्ट एक प्रतिनिधि सदस्य:
- (vi) उत्तर प्रदेश सरकार द्वारा नामनिर्दिष्ट प्रत्येक मामले में एक वर्ष की अवधि के लिए पारिस्थितिक और पर्यावरण क्षेत्र का एक विशेषज्ञ- सदस्य ;
 - (vii) जिला कृषि अधिकारी, रायबरेली सदस्य ;
 - (viii) वन्यजीव संरक्षक संकटग्रस्त प्रजातियां, उत्तर प्रदेश, लखलऊ सदस्य;
 - (ix) क्षेत्रीय अधिकारी, उत्तर प्रदेश राज्य प्रदूषण नियंत्रण बोर्ड, कन्नौज सदस्य ;
 - (x) प्रभागीय निदेशक, समाज वानिकी प्रभाग, रायबरेली सदस्य सचिव।
- **6. निर्देश निबंधन.-** (1) मानीटरी समिति इस अधिसूचना के उपबंधों के अनुपालन को मानीटर करेगी ।
- (2) पारिस्थितिक संवेदी जोन में भारत सरकार के तत्कालीन पर्यावरण और वन मंत्रालय की अधिसूचना सं. का.आ. 1533(अ) तारीख 14 सितंबर, 2006 की अनुसूची में सम्मिलित क्रियाकलापों और इस अधिसूचना के पैरा 4 सारणी में विनिर्दिष्ट प्रतिषिद्ध गतिविधियों के सिवाय आने वाले ऐसे क्रियाकलापों की दशा में वास्तविक विनिर्दिष्ट स्थलीय दशाओं पर आधारित मानीटरी समिति द्वारा संवीक्षा की जाएगी और उक्त अधिसूचना के उपबंधों के अधीन पूर्व पर्यावरण निकासी के लिए केन्द्रीय सरकार के पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय को निर्दिष्ट की जाएगी।

- (3) इस अधिसूचना के पैरा 4 के अधीन सारणी में यथा विनिर्दिष्ट प्रतिषिद्ध क्रियाकलापों के सिवाय, भारत सरकार के पर्यावरण और वन मंत्रालय की अधिसूचना संख्यांक का.आ. 1533(अ) तारीख 14 सितंबर, 2006 की अधिसूचना के अनुसूची के अधीन ऐसे क्रियाकलापों, जिन्हें सिम्मिलित नहीं किया गया है, परंतु पारिस्थितिक संवेदी जोन में आते हैं, ऐसे क्रियाकलापों की वास्तविक विनिर्दिष्ट स्थलीय दशाओं पर आधारित मानीटरी सिमिति द्वारा संवीक्षा की जाएगी और उसे संबद्ध विनियामक प्राधिकरणों को निर्दिष्ट किया जाएगा।
- (4) मानीटरी समिति का सदस्य-सचिव या संबंधित कलक्टर या संबंधित उद्यान के उप-वन संरक्षक, कोई व्यक्ति जो इस अधिसूचना के किसी उपबंध का उल्लंघन करता है, उसके विरुद्ध पर्यावरण (संरक्षण) अधिनियम, 1986 (1986 का 29) की धारा 19 के अधीन परिवाद फाइल करने के लिए सक्षम होगा।
- (5) मानीटरी समिति मुद्दों के आधार पर अपेक्षाओं पर निर्भर रहते हुए संबद्ध विभागों के प्रतिनिधियों या विशेषज्ञों, औद्योगिक संगमों या संबद्ध पणधारियों के प्रतिनिधि प्रति मुद्दे की अपेक्षाओं के अनुसार विचार-विमर्श में सहायता के लिए आमंत्रित कर सकेगी।
- (6) मानीटरी समिति प्रत्येक वर्ष की 31 मार्च तक की अपनी वार्षिक कार्रवाई रिपोर्ट राज्य के मुख्य वन्यजीव वार्डन को **उपाबंध III** पर उपाबद्ध प्रारूप पर 30 जून तक प्रस्तुत करेगी।
- (7) केन्द्रीय सरकार का पर्यावरण, वन और जलवायु परिवर्तन मंत्रालय मानीटरी समिति को अपने कृत्यों के प्रभावी निर्वहन के लिए समय-समय पर ऐसे निदेश दे सकेगा, जो वह ठीक समझे।
- 7. इस अधिसूचना के उपबंधों को प्रभाव देने के लिए केंद्रीय सरकार और राज्य सरकार अतिरिक्त उपाय, यदि कोई हों, विनिर्दिष्ट कर सकेंगे
- 8. इस अधिसूचना के उपबंध, भारत के माननीय उच्चतम न्यायालय या उच्च न्यायालय या राष्ट्रीय हरित प्राधिकरण (एनजीटी) द्वारा पारित कोई आदेश या पारित होने वाले किसी आदेश, यदि कोई हों, के अधीन होंगे।

[फा. सं. 25/159/2015-ईएसजेड-आर ई]

डा. टी. चांदनी, वैज्ञानिक 'जी'

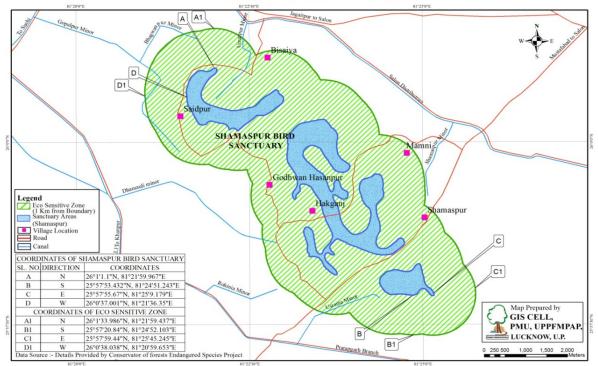
उपाबंध I समसपुर पक्षी अभयारण्य, रायबरेली के इर्द गिर्द प्रस्तावित पारिस्थितिक संवेदी जोन के भीतर राजस्व ग्रामों के अक्षांश और देशांतर ब्यौरे

क्र.सं.	ग्राम	अक्षांश	देशांतर
1	समसपुर	ਤ 25°58'57.77"	पू 81°25'01.77"
2	गुदवा हसनपुर	ਤ 25°59'24.70"	पू 81°22'47.57"
3	ममुनी	ਤ 25°59'50.74"	पू 81°24'46.59"
4	हवकगंज	ਤ 25°59'03.31"	पू 81°23'24.60"
5	बीसाईया	ਤ 6°01'09.55"	पू 81°22'46.11"
6	सयैदापुर	ਤ 26°00'21.36"	पू 81°21'30.52"

उपाबंध II

समसपुर पक्षी अभयारण्य के प्रस्तावित पारिस्थितिक संवेदी जोन का मानचित्र

MAP SHOWING THE SALIENT FEATURES WITHIN 1.0 KM (ECO SENSITIVE ZONE) FROM BOUNDARY OF SHAMASPUR BIRD SANCTUARY



उपाबंध III

पारिस्थितिक संवेदी जोन मानीटरी समिति- की गई कार्रवाई की रिपोर्ट का रूप विधान

- 1. बैठकों की संख्या और तिथि।
- 2. बैठकों का कार्यवृत : कृपया मुख्य उल्लेखनीय बिंदुओं का वर्णन करें । बैठक के कार्यवृत्त को एक पृथक अनुबंध में उपाबद्ध करें ।
- 3. आचलिक महायोजना की तैयारी की प्रास्थिति जिसके अंतर्गत पर्यटन महायोजना ।
- 4. भू-अभिलेख में सदृश्य त्रुटियों के सुधार के लिए ब्यौहार किए गए मामलों का सारांश ।
- 5. ईआईए अधिसूचना, 2006 के अधीन आने वाली गतिविधियों की संविक्षा के मामलों का सारांश । ब्यौरे एक पृथक् उपाबंध के रूप में उपाबद्ध किए जा सकते हैं ।
- 6. ईआईए अधिसूचना, 2006 के अधीन न आने वाली गतिविधियों की संविक्षा के मामलों का सारांश । ब्यौरे एक पृथक् उपाबंध के रूप में उपाबद्ध किए जा सकते हैं ।
- 7. पर्यावरण (संरक्षण) अधिनियम, 1986 की धारा 19 के अधीन दर्ज की गई शिकायतों का सारांश ।
- 8. कोई अन्य महत्वपूर्ण विषय।

MINISTRY OF ENVIRONMENT, FOREST AND CLIMATE CHANGE

NOTIFICATION

New Delhi, the 18th January, 2016

S.O. 253(E).— The following draft of the notification, which the Central Government proposes to issue in exercise of the powers conferred by sub-section (1), read with clause (v) and clause (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) is hereby published, as required under sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, for the information of the public likely to be affected thereby; and notice is hereby given that the said draft notification shall be taken into consideration on or after the expiry of a period of sixty days from the date on which copies of the Gazette containing this notification are made available to the public;

Any person interested in making any objections or suggestions on the proposals contained in the draft notification may forward the same in writing, for consideration of the Central Government within the period so specified to the Secretary, Ministry of Environment, Forest and Climate Change, Indira Paryavaran Bhawan, Jorbagh Road, Aliganj, New Delhi-110003, or send it to the e-mail address of the Ministry at esz-mef@nic.in

Draft Notification

Whereas, **Samaspur Bird Sanctuary** is located in District Raibareily, Uttar Pradesh, covering an area of 308.54 hectors and it is known for its open habitat of large number and variety of migratory and resident birds;

And Whereas, apart from birds, the sanctuary is also home to a variety of trees, shrubs, hydrophytes and the faunal species that have a habitat here include molluscus, arthropods, annelids, amphibians, reptiles and several species of mammals;

And Whereas, it is necessary to conserve and protect the area, the extent and boundaries of which are specified in paragraph 1 of this notification around the protected area of Samaspur Bird Sanctuary as Ecosensitive Zone from ecological and environmental point of view and to prohibit industries or class of industries and their operations and processes in the said Eco-sensitive Zone.

Now Therefore, in exercise of the power conferred by sub section (1) and clauses (v) and (xiv) of sub-section (2) and sub-section (3) of section 3 of the Environment (Protection) Act, 1986 (29 of 1986) read with sub-rule (3) of rule 5 of the Environment (Protection) Rules, 1986, the Central Government hereby notifies an area to an extent varying from 1 to 2 kilometers around the boundary of Samaspur Bird Sanctuary in the State of Uttar Pradesh as the Samaspur Bird Sanctuary Eco-sensitive Zone (hereinafter referred to as the Eco-sensitive Zone), details of which are as under, namely:-

(1) **Extent and boundaries of Eco-sensitive Zone.-** (1) The Eco-sensitive Zone is spread over an area of 3.085 square kilometres with an extent varying from 1 to 2 kilometres around the boundary of the

Samaspur Bird Sanctuary situated in the Raibareily district (26°0'1.37"N Latitude 81°39'15.50"Longitude) of Uttar Pradesh.

- (2) The list of 6 villages falling in the Eco-sensitive Zone along with latitudes and longitudes is appended as **Annexure-I**.
- (3) The map of the Eco-sensitive Zone along with boundary details and latitudes and longitudes is appended as Annexure-II.
- **2. Zonal Master Plan for the Eco-sensitive Zone.-** (1) The State Government shall, for the purpose of the Eco-sensitive Zone prepare a Zonal Master Plan, within a period of two years from the date of publication of final notification in the Official Gazette, in consultation with local people and adhering to the stipulations given in this notification.
- (2) The said Plan shall be approved by the Competent Authority in the State Government.
- (3) The Zonal Master Plan for the Eco-sensitive Zone shall be prepared by the State Government in such a manner as is specified in this notification and also in consonance with the relevant Central and State laws and the guidelines issued by the Central Government, if any.
- (4) The Zonal Master Plan shall be prepared in consultation with all concerned State Departments, namely:-
- (i) Environment,
- (ii) Forest,
- (iii) Urban Development,
- (iv) Tourism,
- (v) Municipal,
- (vi) Revenue,
- (vii) Agriculture,
- (viii) Uttar Pradesh State Pollution Control Board,
- (ix) Irrigation, and
- (x) Public Works Department,

for integrating environmental and ecological considerations into it.

- (5) The Master Plan shall not impose any restriction on the approved existing land use, infrastructure and activities, unless so specified in this notification and the Zonal Master Plan shall factor in improvement of all infrastructure and activities to be more efficient and eco-friendly.
- (6) The Zonal Master plan shall provide for restoration of denuded areas, conservation of existing water bodies, management of catchment areas, watershed management, groundwater management, soil and moisture conservation, needs of local community and such other aspects of the ecology and environment that needs attention.

- (7) The Zonal Master Plan shall demarcate all the existing worshipping places, village and urban settlements, types and kinds of forests, tribal areas, agricultural areas, fertile lands, green area, such as, parks and like places, horticultural areas, orchards, lakes and other water bodies.
- (8) The Zonal Master Plan shall regulate development in Eco-sensitive Zone so as to ensure Eco-friendly development for livelihood security of local communities.
- 3. **Measures to be taken by State Government.**-The State Government shall take the following measures for giving effect to the provisions of this notification, namely:-
- (1) **Land use.-** Forests, horticulture areas, agricultural areas, parks and open spaces earmarked for recreational purposes in the Eco-sensitive Zone shall not be used or converted into areas for commercial or industrial related development activities:

Provided that the conversion of agricultural lands within the Eco-sensitive Zone may be permitted on the recommendation of the Monitoring Committee constituted under paragraph 5 and with the prior approval of the State Government, to meet the residential needs of local residents, and for the activities listed against serial numbers 12, 20, 29, 30 and 31 in column (2) of the Table in paragraph 4, namely:-

- (i) eco-friendly cottages for temporary occupation of tourists, such as tents, wooden houses, etc. for eco-friendly tourism activities,
- (ii) widening and strengthening of existing roads,
- (iii) small scale industries not causing pollution,
- (iv) rainwater harvesting, and
- (v) cottage industries including village industries, convenience stores and local amenities:

Provided further that no use of tribal land shall be permitted for commercial and industrial development activities without the prior approval of the State Government and without compliance of the provisions of article 244 of the Constitution or the law for the time being in force, including the Scheduled Tribes and other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006 (2 of 2007):

Provided also that any error appearing in the land records within the Eco-sensitive Zone shall be corrected by the State Government, after obtaining the views of Monitoring Committee, once in each case and the correction of said error shall be intimated to the Central Government in the Ministry of Environment, Forest and Climate Change:

Provided also that the above correction of error shall not include change of land use in any case except as provided under this sub-paragraph:

Provided also that there shall be no consequential reduction in green area, such as forest area and agricultural area and efforts shall be made to reforest the unused or unproductive agricultural areas.

- (2) **Natural springs.**-The catchment areas of all natural springs shall be identified and plans for their conservation and rejuvenation shall be incorporated in the Zonal Master Plan and the guidelines shall be drawn up by the State Government in such a manner as to prohibit development activities at or near these areas which are detrimental to such areas.
- (3) **Tourism.-** (a) The activity relating to tourism within the Eco-sensitive Zone shall be as per Tourism Master Plan, which shall form part of the Zonal Master Plan.

- (b) The Tourism Master Plan shall be prepared by Department of Tourism, in consultation with Department of Forests and Environment of the State Government.
- (c) The activity of tourism shall be regulated as under, namely:-
- (i) all new tourism activities or expansion of existing tourism activities within the Eco-sensitive Zone shall be in accordance with the guidelines issued by the Central Government in the Ministry of Environment, Forest and Climate Change and the eco-tourism guidelines issued by the National Tiger Conservation Authority, (as amended from time to time) with emphasis on eco-tourism, eco-education and eco-development and based on carrying capacity study of the Eco-sensitive Zone;
- (ii) new construction of hotels and resorts shall not be permitted within one kilometer from the boundary of the Samaspur Bird Sanctuary except for accommodation for temporary occupation of tourists related to eco-friendly tourism activities;

Provided that beyond the distance of one kilometre from the boundary of the protected areas till the extent of the eco-sensitive Zone, the Establishment of new hotels and resorts shall be permitted only in predefined and designated areas for eco-tourism facilities as per Tourism Master Plan.

- (iii) till the Zonal Master Plan is approved, development for tourism and expansion of existing tourism activities shall be permitted by the concerned regulatory authorities based on the actual site specific scrutiny and recommendation of the Monitoring Committee.
- (4) **Natural heritage.-** All sites of valuable natural heritage in the Eco-sensitive Zone, such as the gene pool reserve areas, rock formations, waterfalls, springs, gorges, groves, caves, points, walks, rides, cliffs, etc., shall be identified and preserved and plan shall be drawn up for their protection and conservation, within six months from the date of publication of final notification and such plan shall form part of the Zonal Master Plan.
- (5) **Man-made heritage sites.-** Buildings, structures, artefacts, areas and precincts of historical, architectural, aesthetic, and cultural significance shall be indentified in the Eco-sensitive Zone and plans for their conservation shall be prepared within six months from the date of publication of this notification and incorporated in the Zonal Master Plan.
- (6) **Noise pollution.-** The Environment Department of the State Government or Uttar Pradesh State Pollution Control Board shall draw up guidelines and regulations for the control of noise pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.
- (7) **Air pollution.-** The Environment Department of the State Government or Uttar Pradesh State Pollution Control Board shall draw up guidelines and regulations for the control of air pollution in the Eco-sensitive Zone in accordance with the provisions of the Air (Prevention and Control of Pollution) Act, 1981 (14 of 1981) and the rules made thereunder.
- (8) **Discharge of effluents.-** The discharge of treated effluent in Eco-sensitive Zone shall be in accordance with the provisions of the Water (Prevention and Control of Pollution) Act, 1974 (6 of 1974) and the rules made thereunder.
- (9) Solid wastes. Disposal of solid wastes shall be as under:-

- (i) the solid waste disposal in Eco-sensitive Zone shall be carried out as per the provisions of the Municipal Solid Waste (Management and Handling) Rules, 2000 published by the Government of India in the erstwhile Ministry of Environment and Forests *vide* notification number S.O. 908 (E), dated the 25th September, 2000 as amended from time to time;
- (ii) the local authorities shall draw up plans for the segregation of solid wastes into biodegradable and non-biodegradable components;
- (iii) the biodegradable material shall be recycled preferably through composting or vermiculture;
- (iv) the inorganic material may be disposed in an environmentally acceptable manner at site(s) identified outside the Eco-sensitive Zone and no burning or incineration of solid wastes shall be permitted in the Eco-sensitive Zone.
- (10) **Bio-medical waste.-** The bio-medical waste disposal in the Eco-sensitive Zone shall be carried out as per the provisions of the Bio-Medical Waste (Management and Handling) Rules, 1998 published by the Government of India in the erstwhile Ministry of Environment and Forests *vide* notification number S.O. 630(E), dated the 20th July, 1998 as amended from time to time.
- (11) **Vehicular traffic.** The vehicular movement of traffic shall be regulated in a habitat friendly manner and specific provisions in this regard shall be incorporated in the Zonal Master Plan and till such time as the Zonal Master Plan is prepared and approved by the competent authority in the State Government, Monitoring Committee shall monitor compliance of vehicular movement under the relevant Acts and the rules and regulations made thereunder.
- (12) **Industrial units.-** (a) No establishment of new wood based industries within the proposed Eco-sensitive Zone shall be permitted except the existing wood based industries set up as per the law.
- (b) No establishment of any new industry causing water, air, soil, noise pollution within the proposed Eco-sensitive Zone shall be permitted.
- 4. List of activities prohibited or to be regulated within the Eco-sensitive Zone.- All activities in the Eco sensitive Zone shall be governed by the provisions of the Environment (Protection) Act, 1986 (29 of 1986) and the rules made thereunder, and be regulated in the manner specified in the table below, namely:-

TABLE

S.No.	Activity	Remarks	
(1)	(2)	(3)	
	Prob	nibited activities	
1.	Commercial mining, stone quarrying and crushing units.	(a) All new and existing mining (minor and major minerals), stone quarrying and crushing units shall be prohibited except for the domestic needs of <i>bona fide</i> local residents including digging of earth for construction or repair of houses and for manufacture of country tiles or bricks for housing for personal consumption. (b) The mining operations shall strictly be in accordance with the orders of the Hon'ble Supreme Court dated the 4 th August, 2006 in the matter of T.N. Godavarman Thirumulpad Vs. Union of India in Writ Petition (Civil) No.202 of 1995 and order of the Hon'ble Supreme Court	

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2. Setting up of saw mills. No new or expansion of existing saw mills shall be permitted within the Eco-sensitive Zone. Prohibited (except as otherwise provided) as per applicable laws. Setting up of industries causing water or air or soil or noise pollution. 5. Establishment of major thermal and hydro-electric projects. 6. Commercial use of firewood. 7. Undertaking activities related to tourism like over-flying the National Park Area by aircraft, hot-air balloons. 8. Discharge of untreated effluents and solid waste in natural water bodies or land area. 9. Use of plastic bags. 10. Protection of hill slopes and river banks and coastal areas. 11. Introduction of exotic species 12. Establishment of hotels and resorts. Sepulated under applicable laws. No new cor expansion of polluting industries in the Eco-sensitive Zone shall be permitted. Prohibited (except as otherwise provided) as per applicable laws. Prohibited (except as otherwise provided) as per applicable laws. Regulated activities Regulated under applicable laws. No new commercial hotels and resorts. Regulated under applicable laws. No new commercial hotels and resorts shall be permitted within one kilometer and upto the extent of the Eco-sensitive Zone, all new tourism activities or expansion of existing activities would in conformity with the Tourism Master Plan. (a) No new commercial construction of any kind shall be permitted within one kilometer from the boundary of the protected area: Provided that, local people shall be permitted to undertake construction in their land for their residential use including the activities listed in sub-paragraph (1) of paragraph 3: (b) The construction activity as per applicable rules and regulations, if any. (c) Provided also that beyond one kilometer and upto the extent of Eco-Sensitive Zone, construction from the competent authority as per applicable rules and regulations, if any. (c) Forovided also that beyond one kilometer and upto the extent of Eco-Sensitive Zone, construction from the co			dated the 21 st April, 2014 in the matter of Goa Foundation
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17.	Felling of trees.	 (a) There shall be no felling of trees in the forest or Government or revenue or private lands without prior permission of the competent authority in the State Government. (b) The felling of trees shall be regulated in accordance with the provisions of the concerned Central or State Acts and the rules made thereunder. (c) In case of Project Forests and Protected Forests the Working Plan prescriptions shall be followed.
18.	Discharge of treated effluents and solid waste in natural water bodies or land area.	Regulated under applicable laws
19.	Insulation of electric lines.	Promote underground cabling. All existing electric lines passing through the Eco-sensitive Zone shall be adequately insulated in the time frame prescribed under the Zonal Master Plan.
20.	Widening and strengthening of existing roads.	Shall be done with proper Environment Impact Assessment and mitigation measures, as applicable.
21.	Fencing of existing premises of hotels and lodges.	Regulated under applicable laws.
22.	Sign boards and hoardings.	Regulated under applicable laws.
23.	Movement of vehicular traffic at night.	Regulated for commercial vehicles as per the Zonal Master Plan and the applicable laws.
24.	Drastic change of agriculture systems or land use pattern.	Regulated under applicable laws.
25.	Commercial water resources including ground water harvesting.	(a) The extraction of surface water and ground water shall be permitted only for <i>bona fide</i> agricultural use and domestic consumption of the occupier of the land. (b) Extraction of surface water and ground water for industrial or commercial use including the amount that can be extracted, shall require prior written permission from the concerned regulatory authority. (c) No sale of surface water or ground water shall be permitted. (d) Steps shall be taken to prevent contamination or pollution of water from any source including agriculture.
	Pro	moted activities
26.	Ongoing agriculture and horticulture practices by local communities along with dairies, dairy farming, aquaculture and fisheries.	Shall be actively promoted.
27.	Organic farming.	Shall be actively promoted.
28.	Adoption of green technology for all activities.	Shall be actively promoted.
29.	Small scale industries not causing pollution.	Non polluting, non-hazardous, small-scale and service industry, agriculture, floriculture, horticulture or agro-based industry producing products from indigenous goods from the Eco-sensitive Zone, and which do not cause any adverse impact on environment shall be permitted.
30.	Rain water harvesting.	Shall be actively promoted.
31.	Cottage industries including village artisans.	Shall be actively promoted.
32.	Use of renewable energy sources.	Shall be actively promoted.

- **5. Monitoring Committee.-** The Central Government hereby constitutes a Monitoring Committee, for effective monitoring of the Eco-sensitive Zone falling in the State of Uttar Pradesh, which shall comprise of the following namely:-
 - (i) District Magistrate, Raibareily

Chairman

- (ii) Superintendent of Police/ Senior Superintendent of Police, Member Raibareily
- (iii) Executive Engineer of Public Works Department, Member Raibareily
- (iv) Executive Engineer of Irrigation Department, Raibareily. Member
- (v) One representative of a Non Governmental Organization Member (NGO) working in the field of environment (including heritage conservation) to be nominated by the Government of Uttar Pradesh for a period of one year
- (vi) One expert in Ecology from reputed Institution or University of the State of Uttar Pradesh to be nominated by the Government of Uttar Pradesh for a period of one year
- (vii) District Agriculture Officer, Raibareily

Member

- (viii) Wildlife Warden, Endangered Species, Uttar Pradesh, Lucknow
- (ix) Regional Officer, Uttar Pradesh Pollution Control Board, Member District Raibareily
- (x) Divisional Director, Social Forestry Division, Raibareily Member-Secretary
- **6. Terms of Reference.-** (1) The Monitoring Committee shall monitor the compliance of the provisions of this notification.
- (2) The activities that are covered in the schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006, and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the Central Government in the Ministry of Environment, Forest and Climate Change for prior environmental clearances under the provisions of the said notification.
- (3) The activities that are not covered in the schedule to the notification of the Government of India in the erstwhile Ministry of Environment and Forests number S.O. 1533 (E), dated the 14th September, 2006 and are falling in the Eco-sensitive Zone, except for the prohibited activities as specified in the Table

- under paragraph 4 thereof, shall be scrutinised by the Monitoring Committee based on the actual site-specific conditions and referred to the concerned regulatory authorities.
- (4) The Member-Secretary of the Monitoring Committee or the concerned Collector(s) or the concerned park Deputy Conservator of Forests shall be competent to file complaints under section 19 of the Environment (Protection) Act, 1986 against any person who contravenes the provisions of this notification.
- (5) The Monitoring Committee may invite representatives or experts from concerned Departments, representatives from industry associations or concerned stakeholders to assist in its deliberations depending on the requirements on issue to issue basis.
- (6) The Monitoring Committee shall submit the annual action taken report of its activities as on 31st March of every year by 30th June of that year to the Chief Wildlife Warden of the State as per proforma appended at **Annexure-III**.
- (7) The Central Government in the Ministry of Environment, Forests and Climate Change may give such directions, as it deems fit, to the Monitoring Committee for effective discharge of its functions.
- 7. The Central Government and State Government may specify additional measures, if any, for giving effect to provisions of this notification.
- 8. The provisions of this notification shall be subject to the orders, if any, passed, or to be passed, by the Hon'ble Supreme Court of India or the High Court or National Green Tribunal.

[F. No. 25/159/2015-ESZ-RE]

DR. T. CHANDINI, Scientist 'G'

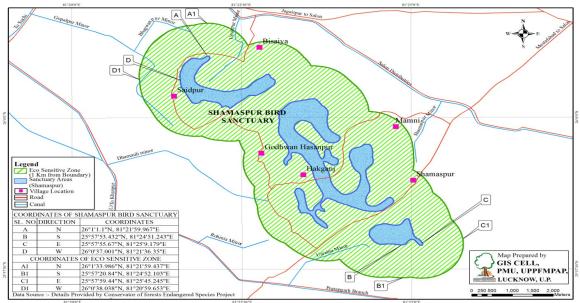
ANNEXURE-I

<u>Latitude and Longitude details of revenue villages within the proposed ESZ around Samaspur Bird Sanctuary, Raebareli</u>

S.No.	Village	Latitude	Longitude
1	Samaspur	N 25°58'57.77"	E 81°25'01.77"
2	Gudwa Hasanpur	N 25°59'24.70"	E 81°22'47.57"
3	Mamuni	N 25°59'50.74"	E 81°24'46.59"
4	Hawkganj	N 25°59'03.31"	E 81°23'24.60"
5	Bisaiya	N 6°01'09.55"	E 81°22'46.11"
6	Saidapur	N 26°00'21.36"	E 81°21'30.52"

ANNEXURE-II

MAP SHOWING THE SALIENT FEATURES WITHIN 1.0 KM (ECO SENSITIVE ZONE) FROM BOUNDARY OF SHAMASPUR BIRD SANCTUARY



Annexure-III

Performa of Action Taken Report: - Eco-sensitive Zone Monitoring Committee.-

- 1. Number and date of meetings.
- 2. Minutes of the meetings: mention main noteworthy points. Attach minutes of the meeting as separate Annexure.
- 3. Status of preparation of Zonal Master Plan including Tourism Master Plan.
- 4. Summary of cases dealt for rectification of error apparent on face of land record (Eco-sensitive Zone wise).
 - [Details may be attached as Annexure]
- 5. Summary of cases scrutinised for activities covered under the Environment Impact Assessment notification, 2006.
 - [Details may be attached as separate Annexure]
- 6. Summary of cases scrutinised for activities not covered under the Environment Impact Assessment notification, 2006.
 - [Details may be attached as separate Annexure]
- 7. Summary of complaints ledged under section 19 of the Environment (Protection) Act, 1986.
- 8. Any other matter of importance.